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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/244,550	02/03/1999	HARRIET E. BRICHTA	64-99-001	3859

7590

10/14/2003

ATTEN: MATTHEW B. TALPIS, ESQ  
BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER

MYHRE, JAMES W

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/244,550

Applicant(s)

BRICHTA ET AL.

Examiner

James W Myhre

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 13, 14, 16, 18-35 and 38-63 <sup>38-42, 44-63</sup> is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-9, 13, 14, 16, 18-35 and 38-63 <sup>38-42, 44-63</sup> is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on February 11, 2003 under 37 CFR 1.111 has been considered but is ineffective to overcome the Knudson et al (5,765,140) reference.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 13, 14, 16, 18-35, and 38-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al (5,765,140).

Claims 1, 32, and 63: Knudson discloses a system and method for program office management, comprising:

- a. at least one program office database storing information about a plurality of accounts, projects, and programs (col 3, lines 12-19); and
- b. at least one user interface used to input and retrieve data from the program office database (col 6, lines 34-36).

Knudson discloses that many types of data pertaining to projects, budgets, and personnel are stored in the master project management database. The Examiner notes that the claimed data is the usual data associated with project management and

Art Unit: 3622

is either explicitly shown by Knudson as being stored in the database or would have been obvious to one having ordinary skill in the art at the time the invention was made to include in the database. Furthermore, since the claims are only directed to a database and a user interface with no action being taken on the data besides storing and retrieving, the data within the database is considered to be non-functional data per se and is given little if any patentable weight.

Claims 2 and 40: Knudson discloses a system and method for program office management as in Claims 1 and 32 above, and further discloses that the database is a plurality of relational structures, i.e. a relational database (col 8, lines 41-55).

Claims 3, 4, 5, 58, and 59: Knudson discloses a system and method for program office management as in Claims 1 and 33, but does not explicitly disclose that the user interface is web-based or a self-extracting executable. However, Knudson does disclose that the system includes a plurality of widely dispersed servers and clients. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect these remote device together through the Internet and to use a user interface which was web-based (i.e. written in HTML). It would also have been obvious that the interface could automatically appear, i.e. be self-extracting, without further user input. In other words, once the user selects to open the program office management system, the user interface software is run (extracted) automatically without the user having to separately select and run it. The Examiner notes that this

Art Unit: 3622

type of automatically executing program is well-known throughout the computer arts and is used when opening many types of application programs, such as word processors, spreadsheets, browsers, etc. One would have been motivated to use these types of user interfaces in Knudson in order to provide the user with a more convenient, user-friendly interface upon which to work.

Claims 6 and 7: Knudson discloses a system for program office management as in Claim 1 above, and further discloses maintaining more than one copy of the database and user interface on distributed computer systems (col 3, lines 16-19).

Claims 8, 9, 13, 14, 33-35, 38, 39, 41, and 42: Knudson discloses a system and method for program office management as in Claims 1 and 32 above, and further discloses using a hierarchical system of security using assigned roles to control access by users to the database and to the entry of data/updates (col 5, lines 23-25 and col 7, line 57 – col 8, line 3).

Claims 16, 18-31, 44-57 and 62: Knudson discloses a system and method for program office management and further discloses tracking and storing the progress, budget, time schedule, personnel, problems, etc. of each project (col 2, line 42 – col 10, line 20). The Examiner notes that the claimed data is the usual data associated with project management and is either explicitly shown by Knudson as being stored in the database or would have been obvious to one having ordinary skill in the art at the time

Art Unit: 3622

the invention was made to include in the database. Furthermore, since the claims are only directed to a database and a user interface with no action being taken on the data besides storing and retrieving, the data within the database is considered to be non-functional data per se and is given little if any patentable weight.

Claim 60: Knudson discloses a method for program office management as in Claim 32 above and further discloses storing the data in duplicate remote databases and retrieving data from the databases, but does not explicitly disclose that the retrieved data is verified with the data from another of the duplicate databases. The Examiner notes that this is a widely used and well known method of data verification, especially when monetary data is involved. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to verify the retrieved data by comparing it to the same data retrieved from a duplicate database. One would have been motivated to verify the data in this manner in order to ensure that the data had not been corrupted during transmission or that the data had not been "tampered" with.

Claim 61: Knudson discloses a method for program office management as in Claim 32 above, and further discloses retrieving data from the database and using the data to generate views, reports, and audits (col 9, lines 30-37).

Art Unit: 3622

***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

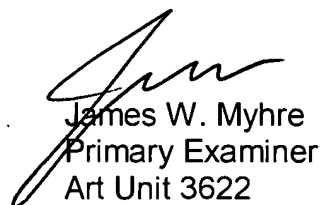
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on M-Th 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Draft or Informal faxes may be submitted directly to the Examiner at (703) 746-5544.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
JWM

October, 9 2003

  
James W. Myhre  
Primary Examiner  
Art Unit 3622